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13 Attorneys for Plaintiffs
14 LEFT FIELD HOLDINGS, et al.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

21 LEFT FIELD HOLDINGS, et al.,

Case No. 3:22-CV-01462-VC

22 Plaintiffs,

**JOINT STIPULATION OF VOLUNTARY
DISMISSAL WITH PREJUDICE**

23 v.

Court: Courtroom 4; 17th Floor
Judge: Hon. Vince Chhabria

24 GOOGLE LLC, a Delaware limited liability
company,

Date Filed: December 2, 2022

25 Defendant.

Trial Date: Not Yet Set

1 WHEREAS, on March 8, 2022, Plaintiffs Left Field Holdings, Left Field Holdings II, Left
2 Field Holdings III, Left Field Holdings IV, Left Field Holdings V, Left Field Holdings VI, and
3 Everfresh Endeavors (collectively “Plaintiffs”) filed a class action complaint against Google LLC
4 (“Google”) alleging violations of the Lanham Act (Dkt. 1);

5 WHEREAS, on June 30, 2022, Plaintiffs filed an amended class action complaint,
6 alleging violations of the Lanham Act, including trademark infringement, false advertising, false
7 association, and counterfeiting (Dkt. 41);

8 WHEREAS, on August 15, 2022, Google filed a motion to dismiss Plaintiffs’ amended
9 class action complaint in its entirety (Dkt. 44);

10 WHEREAS, on November 18, 2022, the Court issued an order granting Google’s Motion
11 to Dismiss the amended class action complaint as to all counts (Dkt. 64, the “Dismissal Order”);

12 WHEREAS, the Court granted Plaintiffs leave to file an amended complaint no later than
13 December 9, 2022;

14 WHEREAS, Plaintiffs have determined that they will neither file a further amended
15 complaint nor seek appellate review of the Dismissal Order;

16 WHEREAS, Google has agreed that in exchange for Plaintiffs dismissing this action and
17 declining to pursue it further, Google will not seek sanctions or recovery of attorneys’ fees or
18 costs in connection with this action;

19 Now, therefore, it is hereby stipulated by and between Plaintiffs on the one hand, and
20 Google on the other hand, through their undersigned counsel, as follows:

21 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs voluntarily
22 dismiss their claims with prejudice, with each party to bear its own fees and costs.

23 2. Each of the Parties, and their attorneys of record, agree not to seek sanctions or
24 recovery of fees in connection with this matter.

25 3. Plaintiffs hereby waive all rights to appeal in the action, including, but not limited
26 to, all rights to appeal from the Dismissal Order.

27 Pursuant to Federal Rule of Civil Procedure 41, this Joint Stipulation of Voluntary

1 Dismissal With Prejudice is effective without a court order.

2 **IT IS SO STIPULATED.**

3 Dated: December 2, 2022

KEKER, VAN NEST & PETERS LLP

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5 By: /s/ Benjamin Berkowitz
6 BENJAMIN BERKOWITZ
7 MICHELLE YBARRA
CODY S. HARRIS
KRISTIN HUCEK
LUKE APFELD

8
9 Attorneys for Defendant
GOOGLE LLC

10 Dated: December 2, 2022

HAUSFELD LLP

11
12 By: /s/ Bruce J. Wecker

13 MICHAEL P. LEHMANN
14 BRUCE J. WECKER

15
16 Attorneys for Plaintiffs

17 **ATTESTATION**

18 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the
19 filing of this document has been obtained from the other signatories.

20 Dated: December 2, 2022

/s/ Bruce J. Wecker